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November 17, 2022

VIA E-MAIL

The Honorable Lorna G. Schofield
Thurgood Marshall United States Courthouse
40 Foley Square
New York, NY 10007

Re: Case Management Plan for *King v. Habib Bank Ltd.*, Case No. 20-cv-4322-LGS

Dear Judge Schofield:

Pursuant to the Court's memo endorsement regarding the parties' prior proposed case management plan, Dkt. No. 68, the parties hereby submit this joint letter regarding case management issues.

Case Management Plan

The parties' joint proposed civil case management plan and scheduling order, revised in light of the Court's guidance, is attached to this letter.

Bellwether Discovery and Trials

On November 3, 2022, the Court granted the parties' proposal to adopt a bellwether approach to discovery and trial in this action and requested the parties to provide further details on their proposed bellwether plan. The parties propose proceeding with a group of 6-12 bellwether plaintiffs, with the claims of all remaining plaintiffs (including discovery) stayed. Discovery will proceed for the bellwether plaintiffs only. For the sake of clarity, any stay of discovery as to the non-bellwether plaintiffs is limited to individualized issues associated with damages and is not intended to be used as a tool to limit discovery on liability issues. Similarly, the selection of bellwether plaintiffs is not intended to limit discovery from Plaintiffs or Defendant on questions of liability.

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The parties shall attempt to reach an agreement on the selection of bellwether plaintiffs. Plaintiffs will propose an initial slate of bellwether plaintiffs to Defendant by November 23, 2022 and the parties will confer afterward. The selection of bellwether plaintiffs shall be based on the principle that they will form a representative cross-section of the attacks alleged in the consolidated complaints (in terms of geography, date, type of attack, and groups alleged to have conducted the attack), with no more than one bellwether plaintiff selected per attack. The parties propose filing a status report by December 9, 2022 where the parties shall identify their agreed-to bellwether plaintiffs or propose issues for the Court's resolution.

If the claims of the bellwether plaintiffs proceed to trial, the parties propose having a single trial with all bellwether plaintiffs. After the resolution of bellwether plaintiffs' claims, the parties will confer regarding how to proceed with the remaining plaintiffs' claims.

/s/ Ian M. Gore

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